

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Joseph Davila,

Defendant.

Protective Order

20-CR-292

Upon the application of the United States of America, with the consent of the undersigned counsel, the Court hereby finds and orders as follows:

1. **Pre-Hearing Disclosure Material.** The Government will disclose to the defendant two files of electronically stored information, prior to a detention hearing in the above-captioned case, referred to herein as the “pre-hearing disclosure material.” The Government has represented that the pre-hearing disclosure material includes material that (i) affects the privacy and confidentiality of individuals; (ii) would risk prejudicial pretrial publicity if publicly disseminated; and (iii) that is not authorized to be disclosed to the public or disclosed beyond that which is necessary for the defense of this criminal case.

NOW, THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

2. Pre-hearing disclosure material shall not be disclosed by the defendant or defense counsel, including any successor counsel (“the defense”) other than as set forth herein, and shall be used by the defense solely for purposes of defending this action. The defense shall not post any pre-hearing disclosure material on any Internet site or network site to which persons other than the parties hereto have access, and shall not disclose any disclosure material to the media or any third party except as set forth below.

3. Pre-hearing disclosure material may be disclosed by counsel to:

(a) Personnel for whose conduct counsel is responsible, *i.e.*, personnel employed by or retained by counsel, as needed for purposes of defending this action;

(b) Prospective witnesses for purposes of defending this action; and

(c) the Defendant.

4. The Defendant may review pre-hearing disclosure material only in the presence of counsel or any other person authorized to receive sensitive disclosure material, may not copy or otherwise record pre-hearing disclosure material, and may not keep pre-hearing disclosure material or a copy of such material outside the presence of counsel, including in any prison facility.

5. This Order does not prevent the disclosure of any pre-hearing disclosure material in any hearing or trial held in this action, or to any judge or magistrate judge, for purposes of this action. However, pre-hearing disclosure material pertinent to any motion before the Court should initially be filed under seal, absent consent of the Government or Order of the Court. All filings should comply with the privacy protection provisions of Fed. R. Crim. P. 49.1.

6. The defense shall provide a copy of this Order to prospective witnesses and persons retained by counsel to whom the defense has disclosed pre-hearing disclosure material. All such persons shall be subject to the terms of this Order. Defense counsel shall maintain a record of what information has been disclosed to which such persons.

7. This Order may be superseded by any subsequent protective order entered in connection with the above-captioned case.

Retention of Jurisdiction

8. The provisions of this order shall not terminate at the conclusion of this criminal prosecution and the Court will retain jurisdiction to enforce this Order following termination of the case.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney

by: _____/s/ Thomas Burnett_____
Thomas S. Burnett
Assistant United States Attorney

Date: _____June 22, 2020_____

_____/S/ Michael K. Bachrach_____
Michael K. Bachrach
Counsel for Joseph Davila

Date: _____June 22, 2020_____

SO ORDERED:

Dated: New York, New York
June 22, 2020.



GABRIEL W. CORENSTEIN
United States Magistrate Judge